



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Fifty-first Meeting Day

Tuesday Afternoon

April 24, 2001

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Father Anastasios Gounaris, Holy Trinity Greek Orthodox Church, Indianapolis, the guest of Representative Gregory W. Porter.

The Pledge of Allegiance to the Flag was led by Representative Porter.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer •	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell •	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich •	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner •
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris •	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 643: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1776 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 229, 310, 311, 373, 431, and 569.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 110 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 190 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Zakas, Chair; and Antich

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 216 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 226 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that

the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1130.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1618.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1813.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 2001.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 9.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 180.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 318.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 358.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 129

Representatives Ayres, Cheney, and C. Brown introduced House Concurrent Resolution 129:

A CONCURRENT RESOLUTION honoring the Chesterton High School Speech Team for winning the Class AAA State Championship on Saturday, March 24, 2001 at North Central High School in Indianapolis.

Whereas, Led by three individual event champions, the Chesterton High School Speech Team won the 2001 Class AAA State Championship;

Whereas, A total of 94 schools participated in the day-long competition;

Whereas, The Chesterton team earned 59.5 sweepstakes points over the course of six rounds of competition to defeat Evansville Reitz, Fort Wayne South Side, Indianapolis Ben Davis and LaPorte;

Whereas, In addition to team honors, three team members took home top honors over 48 other top competitors from around the state to capture individual championships. Senior John Paul Benitez won Prose, senior Adam Wagner was the champ in Humor, and junior John Jernigan was the top speaker in Foreign Extemp;

Whereas, According to coach Bob Kelly, "This is a tremendous accomplishment for these students. They worked very hard to get here, and deserve all of the accolades that go to champions.";

Whereas, This is the first time since 1993 that the Chesterton High School Speech Team has won the State Championship; however, it is their 17th such win overall;

Whereas, Chesterton won the championship by placing 22 of its 25 entries into Semi-Finals (top 21 in the state), and 9 entries into the Final Round (top 7).

Whereas, The individual accomplishments of the team are as follows:

Foreign Extemp: John Jernigan, 1st; senior Lindsay Jancek, 11th;

Prose: John Paul Benitez, 1st

Humor: Adam Wagner, 1st; junior Caroline Philbrick, 8th;

Drama: Junior Joanne Dubach, 2nd; junior Nate Whitmer, 6th.; senior Josh Craig, 8th;

Oratorical Interpretation: Whitmer, 3rd; junior Tomas Feher, 11th;

Original Oratory: Benitez, 4th; Craig, 5th;

Memorized Duo: Junior Nick Cassidy and sophomore Patrick Galvin, 6th; senior Annie Lewandowski and junior Sylvia Fry, 19th;

Domestic Extemp: Sophomore Francesca Smith, 12th; senior Stephanie Kendall, 17th;

Discussion: Senior David Odefey, 8th; junior Jeff Imhof, 15th;

Impromptu: Junior Owen Sutkowski, 8th;

Poetry: Dubach, 15th;

Radio: Senior Alex Bishop, 18th;

Scripted Duo: Juniors Kathleen White and Philbrick, 10th; juniors Natalie Appel and Lindsay Pappas, 13th; senior Brian Lucy and junior Luke Doler, 14th; senior Hannah Smith and sophomore Josh McClain, 17th; and

Whereas, Joining coach Kelly, are Jim Cavallo, Doug Pishkur, Barbara Funke, Jeff Casey and Becky Goldbin. Parents, Amy Lewandowski and Kevin Doler and graduate and morale booster Brendan Balfe also traveled with the team: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the General Assembly of the State of Indiana congratulates the Chesterton High School Speech Team for winning the 2001 Class AAA State Championship.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives is directed to transmit copies of this resolution to each team member and the coaching staff.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Alexa and Antich.

House Resolution 120

Representatives Kruzan and Welch introduced House Resolution 120:

A HOUSE RESOLUTION recognizing and congratulating the Bloomington High School North and Bloomington High School South Science Olympiad Teams upon placing 1st and 2nd in the State Science Olympiad Championship.

Whereas, The Science Olympiad began in Michigan as a state event in 1984 and was sponsored by the U.S. Army at the national level beginning in 1985;

Whereas, The idea caught on and competition has grown to include 13,500 K-12 schools from the U.S. and Canada;

Whereas, The Science Olympiad is an international nonprofit organization devoted to improving the quality of science education, increasing student interest in science and providing recognition for outstanding achievement in science education by both students and teachers;

Whereas, These goals are accomplished through classroom activities, research, training workshops and the encouragement of intramural, district, regional, state and national tournaments;

Whereas, These challenging and motivational events are well balanced between the various science disciplines of biology, earth science, chemistry, physics, computers and technology;

Whereas, Participation requires and develops knowledge of science facts, concepts, processes, skills and science applications;

Whereas, Regional competition in Indiana took place at Butler and Purdue Universities on February 24, 2001;

Whereas, The Bloomington High School North Science Olympiad Team placed 1st and the Bloomington High School South Science Olympiad Team placed 2nd in state competition in Bloomington on March 23, 2001;

Whereas; Both Bloomington High School North and Bloomington High School South will represent the State of Indiana at the National Science Olympiad Competition in Colorado Springs in May 2001; and

Whereas, Academic accomplishments of this caliber deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize and congratulate the students and coaches of the Bloomington High School North and Bloomington High School South Science Olympiad teams on their victories in state competition and their winning team spirit while striving to improve the quality of science education.

SECTION 2, That the principal clerk of the House of Representatives transmit a copy of this resolution to Bloomington High School South and Bloomington High School North.

The resolution was read a first time and adopted by voice vote.

House Resolution 121

Representative Richardson introduced House Resolution 121:

A HOUSE RESOLUTION honoring Victoria Hope, the organist of the First Christian Church in Noblesville and significant contributor to her community in both time and service.

Whereas, Ms. Hope has been the organist of the First Christian Church since 1967;

Whereas, Victoria was born in Arcadia and graduated from Arcadia High School where she received the Balfour Award for outstanding citizenship achievement;

Whereas, Victoria's ancestors have been residents of Hamilton County Indiana since 1837, making her a true pioneer descendant;

Whereas, Victoria began piano lessons when she was seven years old with the encouragement of her parents, Mr. and Mrs. George Mosbaugh;

Whereas, At the age of 12, she became the pianist for the Junior Choir of the Arcadia Christian Church;

Whereas, On July 7, 1935, Victoria Mosbaugh was married to Donald Davis Hope in the First Christian Church of Noblesville;

Whereas, "Tory" as she is known to most, began organ lessons in Indianapolis in 1948;

Whereas, From 1968-1971, she studied pipe organ with Wilson LaQuire, organist of the Tabernacle Presbyterian Church in Indianapolis;

Whereas, Tory taught piano and organ to as many as 30 students for many years. She still hears from students to this day;

Whereas, Tory played for the first recital ever given by world renowned opera singer Michel Sylvester, a Noblesville native;

Whereas, Tory and her husband started the Cicero Canning Factory enabling them to provide support for many community efforts; eventually, they were asked by the government to support the war effort by providing canned tomatoes for troops overseas;

Whereas, Tory and Donald's home in Arcadia, having been lovingly restored in 1957, has been nominated for inclusion on the National Register;

Whereas, Victoria makes her relationship with Jesus Christ a priority and as a result she is blessed with the spiritual gift of service; through this gift she has tirelessly served her Lord and her community in several capacities as described below;

Whereas, Ms. Hope is a Charter member of the Cicero Book Club, which was formed in 1936;

Whereas, Tory was instrumental in the restoration of the Depot and Museum in Arcadia and has been president of the Heritage Center, a board organized to preserve the heritage of the community, since 1972;

Whereas, Tory is a lifetime member of Phi Beta Psi Sorority and played the seven manual pipe organ in "Little Church Around the Corner" in New York City for a Phi Beta National Convention;

Whereas, Tory is a Past Grand Musician of the International Order of Eastern Star and played at the International Peace Gardens on the U.S. - Canadian border in 1963 during a program of music promoting peace;

Whereas, She is a member of the Hamilton County Historical Society, the American Guild of Organists and the Arcadia Study Club;

Whereas, In 1977 Tory was named to "Who's Who of American Women" and was included in the Notable American Award Book in 1976-77 in recognition of past achievements and outstanding service to community, state and nation;

Whereas, Tory was elected Jackson Township Trustee in 1986 filling a post held by her husband prior to his death. She continued in this office until her retirement in 2000;

Whereas, Tory played for Lincoln Day Dinners and the Federation of Republican Women's Affairs; and

Whereas, Tory has one child, Erin Dee Pesavento, one grandchild, Nicole Hope Meyer, and two great-granddaughters, Claire and Lydia Meyer: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly congratulates Victoria Hope for her lifetime of service to her community and upon her many accomplishments.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives is directed to transmit one copy of this resolution to State Representative Kathy Richardson.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1130 because it conflicts with HEA 1856-2001 without properly recognizing the existence of HEA 1856-2001, has had Engrossed House Bill 1130 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1130 be corrected as follows:

Page 3, line 23, after "IC 33-19-5-1" insert ", AS AMENDED BY HEA 1856-2001, SECTION 7,".

Page 3, between lines 40 and 41, begin a new line block indented and insert:

"(11) A judicial salaries fee (IC 33-19-6-18).".

Page 3, line 41, delete "(11)" and insert "(12)".

Page 3, line 41, delete "(IC 33-19-6-18)." and insert "(IC 33-19-6-18.1)".

Page 3, line 42, delete "(12)" and insert "(13)".

Page 4, line 35, after "IC 33-19-5-2" insert ", AS AMENDED BY HEA 1856-2001, SECTION 8,".

Page 5, between lines 10 and 11, begin a new line block indented and insert:

"(7) A judicial salaries fee (IC 33-19-6-18).".

Page 5, line 11, delete "(7)" and insert "(8)".

Page 5, line 11, delete "(IC 33-19-6-18)." and insert "(IC 33-19-6-18.1)".

Page 5, line 12, delete "(8)" and insert "(9)".

Page 5, line 39, after "IC 33-19-5-3" insert ", AS AMENDED BY HEA 1856-2001, SECTION 9,".

Page 6, between lines 12 and 13, begin a new line block indented and insert:

"(6) A judicial salaries fee (IC 33-19-6-18).".

Page 6, line 13, delete "(6)" and insert "(7)".

Page 6, line 13, delete "(IC 33-19-6-18)." and insert "(IC 33-19-6-18.1)".

Page 6, line 14, delete "(7)" and insert "(8)".

Page 6, line 22, after "IC 33-19-5-4" insert ", AS AMENDED BY HEA 1856-2001, SECTION 10,".

Page 7, between lines 13 and 14, begin a new line block indented and insert:

"(3) A judicial salaries fee (IC 33-19-6-18).".

Page 7, line 14, delete "(3)" and insert "(4)".

Page 7, line 14, delete "(IC 33-19-6-18)." and insert "(IC 33-19-6-18.1)".

Page 7, line 15, delete "(4)" and insert "(5)".

Page 7, line 16, after "IC 33-19-5-5" insert ", AS AMENDED BY HEA 1856-2001, SECTION 11,".

Page 7, line 21, delete ":" and insert "the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A judicial salaries fee (IC 33-19-6-18).

(3) A document storage fee (IC 33-19-6-18.1).

(4) An automated record keeping fee (IC 33-19-6-19).".

Page 7, delete lines 22 through 25.

Page 7, line 26, after "IC 33-19-5-6" insert ", AS AMENDED BY HEA 1856-2001, SECTION 12,".

Page 7, line 35, delete ":" and insert "the following fees if they are required under IC 33-19-6:

(1) A document fee.

(2) A judicial salaries fee (IC 33-19-6-18).

(3) A document storage fee (IC 33-19-6-18.1).

(4) An automated record keeping fee (IC 33-19-6-19).".

Page 7, delete lines 36 through 39.

Page 8, line 12, delete "18" and insert "18.1".

Page 8, line 18, delete "IC 33-9-6-18" and insert "IC 33-19-6-18.1".

Page 8, line 20, delete "18." and insert "18.1".

Page 8, line 30, after "IC 33-19-7-1" insert ", AS AMENDED BY HEA 1856-2001, SECTION 14,".

Page 9, between lines 34 and 35, begin a new paragraph and insert:
 "(e) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee."

Page 9, line 35, after "IC 33-19-7-4" insert ", AS AMENDED BY HEA 1856-2001, SECTION 15,".

Page 11, between lines 2 and 3, begin a new paragraph and insert:
 "(f) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee."

(Reference is to EHB 1130 as printed April 6, 2001.)

MOSES, Chair
 MUNSON, R.R.M.
 KERSEY, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1618 because it conflicts with HEA 1813-2001 without properly recognizing the existence of HEA 1813-2001, has had Engrossed House Bill 1618 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1618 be corrected as follows:

Page 8, line 5, delete "P.L.10-2000," and insert "HEA 1813-2001,".

Page 8, line 6, delete "2," and insert "18,".

Page 9, line 7, after "health" insert "and addiction".

(Reference is to EHB 1618 as printed March 30, 2001.)

MOSES, Chair
 MUNSON, R.R.M.
 WELCH, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1813 because it conflicts with HEA 1902-2001 and HEA 1599-2001 without properly recognizing the existence of HEA 1902-2001 and HEA 1599-2001, has had Engrossed House Bill 1813 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1813 be corrected as follows:

Page 5, line 7, after "4-33-12-6" insert ", AS AMENDED BY HEA 1902-2001, SECTION 1,".

Page 5, line 11, after "(c)" delete "," and insert "and IC 6-3.1-20-7,".

Page 7, line 7, delete "or actual".

Page 7, line 8, delete "; and" and insert ", but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;".

Page 7, line 11, delete "." and insert "; and

(4) is considered miscellaneous revenue."

Page 10, line 30, after "health" insert "and addiction".

Page 34, line 4, delete "P.L. 272-1999," and insert "HEA 1599-2001,".

Page 34, line 5, delete "31," and insert "2,".

Page 35, line 5, delete "fifty dollars (\$50)." and insert "fifty-two dollars (\$52).".

Page 83, line 23, after "health" insert "and addiction".

(Reference is to EHB 1813 as printed April 6, 2001.)

MOSES, Chair
 MUNSON, R.R.M.
 CROSBY, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 318 because it conflicts with SEA 345-2001 and HEA 1705-2001 without properly recognizing the existence of SEA 345-2001 and HEA 1705-2001, has had Engrossed Senate Bill 318 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 318 be corrected as follows:

Page 4, line 41, after "IC 28-7-5-28.5" insert ", AS AMENDED BY SEA 345-2001, SECTION 19, AND HEA 1705-2001, SECTION 21,".

Page 5, line 8, after "pledge." insert "The fee for each month after the second month of the loan transaction is limited to one-thirtieth (1/30) of the monthly fee for each day the loan is outstanding."

Page 5, line 12, after "day" insert ",".

Page 5, line 13, after "loan" delete ",".

Page 5, line 13, after "including" delete ",".

(Reference is to ESB 318 as printed March 28, 2001.)

MOSES, Chair
MUNSON, R.R.M.
PORTER, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 358 because it conflicts with HEA 1806-2001 without properly recognizing the existence of HEA 1806-2001, has had Engrossed Senate Bill 358 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 358 be corrected as follows:

Page 2, line 21, after "period" insert ",".

Page 3, line 10, after "IC 35-38-2.5-5" insert ", AS AMENDED BY HEA 1806-2001, SECTION 5,".

Page 3, line 11, delete "As" and insert "Except as provided in section 5.5 of this chapter, as".

(Reference is to ESB 358 as printed April 6, 2001.)

MOSES, Chair
MUNSON, R.R.M.
STURTZ, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 431 because it conflicts with HEA 2031-2001 without properly recognizing the existence of HEA 2031-2001, has had Engrossed Senate Bill 431 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 431 be corrected as follows:

Page 1, line 1, delete "IC 12-13-15" and insert "IC 12-13-15.2".

Page 1, line 4, delete "15." and insert "15.2".

(Reference is to ESB 431 as reprinted April 11, 2001.)

MOSES, Chair
MUNSON, R.R.M.
KLINKER, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures reports that, pursuant to House Rule 67, the following technical corrections are to be made to Engrossed Senate Bill 510.

Page 11, line 40, after "applying" insert "to".

(Reference is to ESB 510 as reprinted April 23, 2001.)

MOSES, Chair

Report adopted..

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1776 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MAHERN

Upon request of Representatives Buck and Murphy, the Speaker ordered the roll of the House to be called. Roll Call 644: yeas 50, nays 41. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1585 Conferees: Kuzman and Burton
Advisors: Goodin and Hinkle
EHB 1776 Conferees: Mahern and Behning
Advisors: Kromkowski and Richardson
EHB 1837 Conferees: Hasler and Ripley
Advisors: Dvorak, Ulmer, and Foley

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 121 Conferees: Weinzapfel and Wolkins
Advisors: Kruzan and J. Lutz
ESB 445 Conferees: Bischoff and Hoffman
Advisors: Sturtz and Herndon

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1499 Advisor: Welch

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1122, 1156, 1792, 1841, 1846, 1852, 1902, and 1908 and Senate Enrolled Acts 49, 152, 154, 158, 165, 170, 173, 182, 186, 188, 230, 269, 272, 273, 344, 371, 474, 506, 509, and 526 on April 24.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:00 p.m. with the Speaker in the Chair.

Representatives Alderman, Bauer, Behning, T. Brown, Buell, Cochran, Dillon, Espich, Harris, Hasler, Kromkowski, Lytle, Mock, Saunders, Scholer, Summers, Tincher, Turner, Whetstone, and Wolkins were excused.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1271 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1342:

Advisor: R. Young replacing Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following

Senators a conference committee to confer on Engrossed House Bill 1401:

Conferees: Server and L. Lutz

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1499:

Advisors: Kenley, Hume, Weatherwax, and Blade

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 34, 98, 126, 127, and 128 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 63, 73, 88, 102, and 106 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

**MOTIONS TO CONCUR
IN SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1459.

PELATH

Roll Call 645: yeas 79, nays 0. Motion prevailed.

Representatives Lytle, Summers, and Wolkins were present. Representative Dobis was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1555.

CROOKS

Roll Call 646: yeas 81, nays 0. Motion prevailed.

Representative Behning and Saunders were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1600.

PORTER

Roll Call 647: yeas 82, nays 1. Motion prevailed.

Representative Dobis was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1770.

WELCH

Roll Call 648: yeas 84, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate

amendments to Engrossed House Bill 1855.

BURTON

Roll Call 649: yeas 84, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1958.

C. BROWN

Roll Call 650: yeas 84, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 2002.

AGUILERA

Roll Call 651: yeas 83, nays 0. Motion prevailed.

Representatives Alderman and Whetstone were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 2014.

PORTER

Roll Call 652: yeas 86, nays 0. Motion prevailed.

Representative Cochran was present. Representative Steele was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 2145.

CROSBY

Roll Call 653: yeas 84, nays 1. Motion prevailed.

Representative Kromkowski was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 2037.

COCHRAN

Roll Call 654: yeas 84, nays 2. Motion prevailed.

RESOLUTIONS ON FIRST READING

House Resolution 122

Representative Ulmer introduced House Resolution 122:

A HOUSE RESOLUTION to honor Susie Warner, widow of the late State Representative Philip Warner.

Whereas, Susie Warner was recently named the Exchange Club of Goshen's book of Golden Deeds Award winner;

Whereas, For the past thirty years, the award has been presented annually to a person with an outstanding record of volunteer service to the Goshen community;

Whereas, Mrs. Warner has been involved in politics since she was thirteen years of age;

Whereas, Susie Warner attended Goshen College and Indiana University;

Whereas, Susie Warner currently serves on eleven boards of directors for civic and service organizations and has served on numerous boards and projects in her career, including the State Fair Commission, the Northern Indiana Partnership for the Arts, the Golden Rod Project, Oaklawn, and the Window; and

Whereas, Susie Warner has been an invaluable member and volunteer to not only Goshen, but the State of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates and honors Mrs. Susie Warner, widow of former State Representative Philip Warner, for her tireless volunteerism on behalf of the citizens of Goshen, northern Indiana, and the State of Indiana.

SECTION 2. That the Indiana House of Representatives congratulates Mrs. Susie Warner on being named the Exchange Club of Goshen's Book of Golden Deeds Award winner.

SECTION 3. That the Principal Clerk of the House of Representatives of the Indiana General Assembly is directed to transmit a copy of this resolution to Mrs. Susie Warner and the Exchange Club of Goshen.

The resolution was read a first time and adopted by voice vote.

House Resolution 123

Representative Friend introduced House Resolution 123:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study agricultural marketing, including the use of ethanol and a potential ban on the use of methyl tertiary-butyl ether in petroleum products.

Whereas, Throughout the history of Indiana, agriculture has formed the backbone of industry in our state; and

Whereas, It is vital that Indiana farmers be given all the tools available to them to ensure that Indiana farms continue to prosper in the generations to come, including fuel uses: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study agricultural marketing, including the use of ethanol and a potential ban on the use of methyl tertiary-butyl ether in petroleum products.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 64

The Speaker handed down Senate Concurrent Resolution 64, sponsored by Representative Atterholt:

A CONCURRENT RESOLUTION memorializing the life of Holocaust survivor Michael Vogel, a tireless national activist and an ardent supporter of Indiana high school soccer.

Whereas, On November 21, 2000, people of the world mourned with the passing of former Auschwitz inmate #65316, namely Michael Vogel;

Whereas, Born in 1923, Mike grew up in Czechoslovakia as one of five children raised by two loving parents, and spent much of his youth playing soccer;

Whereas, After the Nazi war machine occupied central Europe in World War II, Mike and his family were loaded into cattle cars and shipped to Auschwitz concentration camp in Oswiecim, Poland in the summer of 1942;

Whereas, Mike quickly discovered the horrific intentions of the Nazis when his mother and all of his siblings were killed there in 1942. Mike's father briefly worked as a slave laborer until he fell ill, whereupon he was summarily executed;

Whereas, Continuing to survive as a slave laborer, Mike and two other prisoners found an opportunity to escape the Auschwitz death camp during an Allied air raid, when they used the distraction to flee into the woods;

Whereas, Mike eventually made his way to the United States in 1946, and in 1948 he married Agnes Weisz, a Hungarian death camp survivor;

Whereas, Filled with his nightmarish experiences and the indelible #65316 permanently tattooed to his arm, Mike began his role as a Holocaust victims activist, returning to testify in Germany against Nazis several times since 1982;

Whereas, In the mid-1990's, Mike participated in a locally produced, nationally distributed, and Addy award winning documentary entitled "Auschwitz: If You Cried, You Died", and he assisted with the related Holocaust exhibits at the Indianapolis Children's Museum;

Whereas, Soccer occupied the other great passion in Mike's life, and he helped start several soccer programs, including those at North Central High School, the Jewish Community Center, and the Dynamo Soccer Association;

Whereas, In recognition of his invaluable support to its program, the North Central Soccer Club established its Vogel Humanitarian Award in 1994;

Whereas, Mike was inducted into the Indiana Soccer Hall of Fame Referee Division in 1997 for his service as a league referee for over two decades;

Whereas, Widely recognized for his activism on many levels, Mike received many other distinguished awards, including a Jefferson Award (1996), Sagamore of the Wabash (1997), Honorary Doctorate from DePauw University for Public Service (1997), Indiana Council of Social Studies Award from Purdue University (1998), Indiana Junior Historical Society Award (1999), and the Jewish Community Center Award (1999); and

Whereas, North Central High School soccer coach Jerry Little aptly described Mike Vogel, stating "he's the ideal of what we would like our young men to grow up to be. Surviving the Holocaust and the kind of horror that he went through—to turn out to be such a generous, loving and kind man... We're not sure we would be able to rise to that level after something like that." Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly mourns the loss of Indianapolis native and Holocaust survivor Michael Vogel, a tireless national activist and an ardent supporter of Indiana high school soccer.

SECTION 2. That the people of Indiana are humbled by the courage and philanthropic values exhibited by Mr. Vogel as an extraordinary humanitarian and as an outstanding mentor to many.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Mr. Vogel's wife, Agnes Weisz Vogel; children, Howard A. Vogel; Linda E. Vogel; Dr. Caryn M. Vogel; Elaine C. Vogel-Keller; and North Central High School Soccer Coach Jerry Little.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 73

The Speaker handed down Senate Concurrent Resolution 73, sponsored by Representative T. Adams:

A CONCURRENT RESOLUTION congratulating the Yorktown girl's volleyball team on capturing the Indiana High School Athletic Association (IHSAA) 3A State Volleyball tournament.

Whereas, This volleyball team's road to success was paved with much adversity that included the retirement of a starting player due to a rare nerve disorder, the death of a team member to spinal meningitis, the death of a team member's parent to cancer, and the death of long-time coach, Coach Conlon, to a rare blood disease;

Whereas, Through all of this adversity, under the direction of new coach, Kenna Jones, the team was able to regroup, rebuild, and persevere as champions;

Whereas, On February 1, 2001, the National Federation of High Schools presented this team with the Cinderella Award for hard work, team unity, beating the odds, and inspiring hope;

Whereas, The Yorktown girl's volleyball team ended their season with a record of 34 to 2 and were Hoosier Heritage Conference

Champions; and

Whereas, All four graduating seniors: Stacie Baldwin, Lindsay Brammer, Stephanie Keller, and Kenzie Zimmerman, will be continuing their volleyball careers on full scholarships at various colleges: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly hereby congratulates this remarkable team on being IHSAA champions and for beating the odds to achieve this honor.

SECTION 2. That the Principal Secretary of the Senate transmit copies of this resolution to the following persons: players, Stacie Baldwin, Lindsay Brammer, Stephanie Keller, Kenzie Zimmerman, Sarah Avila, Jennie Burrell, Shelby Garringer, Erin Cannizzo, Ashley Chambers, Nikki Long, Ashley Morey, and Amanda Cloyd; Head Coach, Kenna Jones; Assistant Coach, Kelly Brown; Volunteer Coaches, Alan Knapp, Brian Hughes, and Carrie Fisher; and Athletic Director, Trudy Cheatham.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 87

The Speaker handed down Senate Concurrent Resolution 87, sponsored by Representatives Yount and Goodin:

A CONCURRENT RESOLUTION to memorialize and honor Don Pacey.

Whereas, Throughout much of his life, Don Pacey owned a building contracting business and maintained a very demanding schedule. However, at the age of 57, ill health forced him to retire to a slower-paced lifestyle;

Whereas, While adjusting to his new lifestyle, Don was introduced to the art of wood carving by his son in 1986. Although he never had any training, Don experimented with wood carving and found he had an inherent aptitude for the art;

Whereas, Don carved his first work, a mallard, entirely with a pocketknife. Having thoroughly enjoyed this work, he continued carving and began selling his pieces to fund the purchase of new tools;

Whereas, In 1990, Don began entering his carvings in the novice division of major decoy-carving competitions. His success was instantaneous, winning best of show at the California Open and first place, best of species, at the Ward Foundation World Competition;

Whereas, In 1991, Don stepped up to the intermediate division and once again his success was staggering. Entering five carvings at each competition, each of Don's pieces placed first, second, or third or received honorable mention at every show;

Whereas, In mid-1991, Don moved up again to the master division. Competing against the world's best carvers, Don continued winning awards at this level. Recognizing that the usual path from novice to master carver takes ten years, Don's achievement of this status in only seven years without any formal training was unique;

Whereas, The highest honor to be bestowed upon a wood carver is the designation as "World Class Bird Carver". This title is determined by the number of carving awards and Best of Show medals won by a carver. In 1993, Don achieved World Class designation; and

Whereas, Throughout his career, Don enjoyed sharing his gift with others. Each year, he donated a world-class carving to the Seymour Chapter of Ducks Unlimited for their annual fund raiser. In addition, Don generously shared his knowledge and techniques, giving lessons to others who were interested in the art of wood carving: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Don Pacey for his lifetime achievements. His accomplishments as a World Class Bird Carver are inspiring to us all.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to his wife, Bettie Pacey; and their children, Larry and Theresa.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 88

The Speaker handed down Senate Concurrent Resolution 88, sponsored by Representatives Gregg, Kruzan, and Bosma:

A CONCURRENT RESOLUTION honoring Jim Mundt on the occasion of his retirement from the Legislative Services Agency.

Whereas, Jim Mundt has been a dedicated public servant who toiled tirelessly for the citizens of the state of Indiana;

Whereas, Jim Mundt brought a wealth of valuable information to his duties as director of the Office of Fiscal and Management Analysis;

Whereas, Jim had a bachelor's degree in mathematics from Hanover College and a juris doctor degree from Indiana University at Indianapolis;

Whereas, Jim's years with the Indiana Department of State Revenue added valuable insight into his ability to write and review the fiscal notes created by the Office of Fiscal and Management Analysis, which provided members of the General Assembly with insight into the cost to the state of each piece of legislation;

Whereas, In addition to his duties with the General Assembly, Jim was an active participant in his community as a member of the board of managers of the Flat Rock YMCA Camp and of the Fall Creek YMCA, a member of the board of directors of the Metropolitan YMCA of Greater Indianapolis, and a member of the Inner City Y's Men's Club;

Whereas, Jim is also an active member of the Faith Presbyterian Church;

Whereas, Jim's concern for the less fortunate was displayed in his participation as the agency coordinator for the Combined State Campaign of Greater Indianapolis serving as vice chair of the organization in 1985 and chair in 1986;

Whereas, Always a big baseball fan, Jim served tirelessly on behalf of youth baseball, serving as a member of the board of directors of the Fall Creek Little League and working on behalf of Skiles Test Baseball and Lawrence Township Babe Ruth Baseball;

Whereas, The ultimate proof of his devotion to baseball, however, was the fact that Jim was a true blue Chicago Cubs fan; and

Whereas, Jim Mundt is a man who has served his state loyally throughout the years but never forgot the importance of family, friends, faith, and community: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to thank Jim Mundt for his years of faithful service to the state of Indiana and to wish him the best in his retirement.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Jim Mundt, his wife, Andrea, and his children, Fritz, Sarah, Timothy, and Abigail.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 102

The Speaker handed down Senate Concurrent Resolution 102, sponsored by Representative Robertson:

A CONCURRENT RESOLUTION recognizing Matt Renn, a student, leader, and basketball player for Indiana State University, for his outstanding accomplishments.

Whereas, Matt is the son of LuAnn and Tom Renn;

Whereas, Matt has excelled in school as demonstrated by his being named a three-time MVC first-team all-Scholar athlete and being named to the Verizon Academic all-America Second-Team, while carrying a 3.72 cumulative GPA majoring in Mathematics Education;

Whereas, Matt has been a strong leader as demonstrated by Matt participating this past summer in the NCAA Foundation Leadership Conference and receiving the Eleanor St. John Leadership Award, which is given to a student-athlete who exemplifies leadership on and off the field as recognized by peers and other members of the University Community;

Whereas, Matt was a standout basketball player for the Indiana State University Sycamores, where he accumulated impressive statistics including the following: ranking 9th on the ISU career scoring chart with 1,347 points, ranking 4th in rebounds with 789, ranking 4th in steals with 165, and ranking 8th in single-season steals with 60, playing in 118 games during his college career of which he started in 99, averaging 11.4 points per game and 6.7 rebounds per game;

Whereas, This past season Matt lead the Sycamores to the NCAA tournament by posting five double-double games, scoring 20 points or more in at least six games, and averaging 15.6 points per game and 7.7 rebounds; and

Whereas, Matt's hard work in the classroom and on the basketball court make him a great role model for our youth and a valuable asset to our Hoosier community: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to commend Matt Renn on his illustrious college career as a student, leader, and basketball player.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Matt Renn and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 106

The Speaker handed down Senate Concurrent Resolution 106, sponsored by Representative Herndon:

A CONCURRENT RESOLUTION recognize Dr. Nancy E. Dayhoff for her 40 dedicated years of service on the faculty of the Indiana University School of Nursing, and to congratulate Dr. Dayhoff on her retirement.

Whereas, For over 40 years, Dr. Nancy E. Dayhoff has provided dynamic service in the nursing field, educating the nursing students of the Indiana University School of Nursing;

Whereas, During her tenure at the Indiana University School of Nursing, Dr. Dayhoff served as Instructor from 1960 to 1965, as Assistant Professor from 1966 to 1969, as Associate Professor from 1969 to the present, as Member of the Office of Nursing Practice from 1985 to the present, and the Acting Co-Chair of the Department of Adult Health from 1996 to the present;

Whereas, Dr. Dayhoff also provided invaluable educational support to the Indiana University Graduate School as an Associate Member from 1992 to 1996, and as a Full Member from 1996 to the present;

Whereas, In addition to her distinguished service as an educator in the field of nursing, Dr. Dayhoff has also served on the Board of Major Hospital, Shelbyville, for over 20 years, and she continues to serve as the Chairperson of the Board; and

Whereas, Dr. Dayhoff is also a member of numerous professional societies, and she is widely respected throughout the Midwest as a consultant, lecturer, and author: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly is thoroughly grateful for Dr. Nancy Dayhoff's 40 years of dedicated and caring service as a faculty member of the Indiana University School of Nursing, and it is quite thankful for her dynamic service in the field of nursing.

SECTION 2. That the people of Indiana extend many blessings and their fondest wishes to Dr. Dayhoff for a wonderful life in retirement.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Dr. Nancy E. Dayhoff; son, Douglas Dayhoff; son, David Dayhoff; and friend, Patricia S. Moore.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE MOTION**

Mr. Speaker: I move that Engrossed Senate Bill 510 be returned to the second reading calendar for the purpose of amendment.

LYTLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 25, 2001 at 1:30 p.m.

SUMMERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kruzan be removed as coauthor of House Bill 1083.

KRUZAN

Motion prevailed.

On the motion of Representative Denbo the House adjourned at 4:50 p.m., this twenty-fourth day of April, 2001, until Wednesday, April 25, 2001, at 1:30 p.m.

JOHN R. GREGG
Speaker of the House of Representatives

LEE ANN SMITH
Principal Clerk of the House of Representatives